

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
AT&T and NTCA Petitions on Transition	)	GN Docket No. 12-353
from Legacy Transmission Platforms to	)	
Services Based on Internet Protocol	)	
	)	
Technology Policy Task Force	)	GN Docket No. 13-5

**COMMENTS OF THE NATIONAL ASSOCIATION OF  
TELECOMMUNICATIONS OFFICERS AND ADVISORS, THE NATIONAL  
ASSOCIATION OF COUNTIES, THE NATIONAL LEAGUE OF CITIES, AND THE  
UNITED STATES CONFERENCE OF MAYORS**

**I. INTRODUCTION**

The National Association of Telecommunications Officers and Advisors (“NATOA”),<sup>1</sup>  
the National Association of Counties (“NACo”),<sup>2</sup> the National League of Cities (“NLC”),<sup>3</sup> and

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<sup>1</sup> NATOA is a national trade association that promotes local government interests in communications, and serves as a resource for local officials as they seek to promote communications infrastructure development.

<sup>2</sup>NACo represents county governments, and provides essential services to the nation’s 3,068 counties.

<sup>3</sup> The NLC serves as a resource to and an advocate for the more than 19,000 cities, villages, and towns it represents.

The United States Conference of Mayors (“USCM”)<sup>4</sup> submit these comments in response to the Public Notice (“Notice”), released December 14, 2012, establishing a pleading cycle on the petitions filed by AT&T and NTCA “urg[ing] the Commission to alter policies to respond to the ongoing technological transition of voice networks.”

At the outset, we agree with those who claim that the transition from traditional plain old telephone service (“POTS”) to broadband networks has the potential of facilitating increased competition among network operators, and furthering innovation. As our associations have repeatedly stated, local governments support legislative and regulatory initiatives that seek to provide all Americans with advanced communications services. Indeed, local governments’ decades-old cable franchising policy that operators provide reasonable build-out to all residents and not engage in red-lining or “cherry picking” is responsible, in part, for the fact that many communities today have the requisite infrastructure in place to facilitate this transition. And many local governments have undertaken efforts to increase wireless facilities deployment in their communities in order to assist industry in bringing better, faster, and newer services to their residents.

However, against the benefits that may flow from this on-going IP transition – and there are many - the Commission must carefully balance the potentially adverse consequences that the transition and its accompanying abandonment of legacy copper lines may bring.

While we support the transition to new, more advanced transmission technologies, we are concerned that without careful planning, some consumers may be left without any telephone service at all, while others may only have the single option of wireless voice service. As we

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<sup>4</sup> The USCM is the official nonpartisan organization of cities with populations of 30,000 or more. There are 1,192 such cities in the country today. Each city is represented in the Conference by its chief elected official, the mayor.

have seen from the recent derecho storm in June 2012 and Superstorm Sandy, wireless services can and do fail. Regardless of the technology used, 911 services must remain available to all residential and commercial consumers. As such, we reject industry calls to preempt state regulations, such as carrier of last resort (“COLR”) service requirements, based solely on expressions that consumers have multiple service options from multiple providers. The right to depend on reliable telephone service in times of emergencies must not be abandoned along with these copper networks. The transition from copper networks requires that regulations be modified, not abandoned, so as not to leave any Americans without this vital service.

Other areas of concern involve consumer protection rights, such as billing and privacy, and the role that the Commission and state and local governments may play in ensuring those rights; and the impact the transition may have on competition and the continuing ability of CLECs to have access to non-discriminatory interconnection and non-discriminatory carriage of service. Furthermore, we are concerned with the effects that the transition may have on Universal Service and the maintenance of COLR obligations at guaranteed rates and service quality.

Rather than open a new proceeding, we urge the Commission to continue its work on other open dockets that include various issues involving the transition to IP, and to permit the recently announced Technology Transitions Policy Task Force (“Task Force”) to proceed with its call to action to “provide recommendations on how to modernize the Commission’s policies in a manner that encourages the technological transition, empowers and protects consumers, promotes competition, and ensures network resiliency and reliability.” We note that when the Commission announced the creation of the Task Force, it referenced the Task Force’s need to coordinate with the Commission’s Technical Advisory Committee, but made no reference of

working with the Commission's Intergovernmental Advisory Committee ("IAC") on these important issues.<sup>5</sup> We urge the Commission to direct the Task Force to actively engage with the IAC as it carries out its workplan.

Along these same lines, we also strongly advocate that the Commission adopt the IAC's recently released Policy Recommendation, 2013-3, regarding the transition from legacy copper wire infrastructure to newer technologies that calls for the Commission to work with state and local telecommunications policy leaders to discuss issues raised by the IP transition.

### CONCLUSION

As always, our associations stand ready to assist the Commission as it continues its work to bring advanced communications services to all our constituents.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. Traylor".

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<sup>5</sup> FCC Press Release, "FCC CHAIRMAN JULIUS GENACHOWSKI ANNOUNCES FORMATION OF TECHNOLOGY TRANSITIONS POLICY TASK FORCE," December 10, 2012.